



Senate of Pennsylvania

Senator Larry Farnese

1st Senatorial District

MEMO

Date: *February 17, 2011*
To: *All Senators*
From: *Senator Lawrence M. Farnese, Jr.*
Subject: *Co-sponsorship – Fraudulent Deeds (Memo #1)*

In the near future, I plan to introduce legislation to address the growing problem of “house theft” that arises from the use of fraudulent deeds. **This memo will address the first two of a three-bill package.**

Hundreds of property owners in Philadelphia are shocked to find each year that title to their property has been stolen by an unknown party. The theft is usually accomplished by the use of false names, fraudulent notary certifications, or more complex financial deals perpetrated on unsophisticated or unsuspecting homeowners. It often takes years and thousands of dollars in attorneys’ fees to undo the harm caused by these criminals and restore title to the rightful owner.

Deed theft is a phenomenon with statewide impact affecting many aspects of property ownership, as shown by recent reports recounting theft of mineral and gas rights in Clearfield County.

The first piece of legislation will address the problem through changes to the Recording Laws. These remedies include:

- Requiring county records to notify property owners when a deed is filed.
- Requiring a certificate to be filed by a buyer explaining title insurance and a knowing waiver.

The second piece of legislation will address the problem through changes to the Notary Public Law, which include:

- Increasing criminal penalties for fraudulent use of notary equipment and knowingly or recklessly notarizing false signatures.
- Increasing the limit on fees permissible by notaries, in conjunction with higher notary bond requirements for land documents.
- Requiring notaries to record a thumbprint of parties executing deeds in real property transactions.

Both pieces of legislation have arisen from work done by the Fraudulent Property Conveyance Task Force of the Philadelphia Bar Association.

If you are interested in co-sponsoring this legislation, please contact Brandie Pifer at 717-787-54662 or at bpifer@pasenate.com. If you have any questions, please feel free to contact Sally Keaveney at skeaveney@pasenate.com.